

FULBRIGHT & JAWORSKI L.L.P.
A REGISTERED LIMITED LIABILITY PARTNERSHIP
600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TEXAS 78701-3271
WWW.FULBRIGHT.COM

Official
PTD FAX
4/2/03
SDP

FACSIMILE TRANSMISSION

DATE: April 2, 2003

MATTER NUMBER: 10010530

RECIPIENT:	FAX NO.:	PHONE NO.:
Scott Priebe	703-746-3131	

FROM: Steven L. Highlander

USER ID: SH01973 FLOOR: 20

PHONE: (512) 536-3184

FAX: (512) 536-4598

RE: SN 08/540,343

NUMBER OF PAGES WITH COVER PAGE: 5 Originals Will Not Follow

Message:

CAUTION - CONFIDENTIAL

THE INFORMATION CONTAINED IN THIS FACSIMILE IS CONFIDENTIAL AND MAY ALSO CONTAIN PRIVILEGED ATTORNEY-CLIENT INFORMATION OR WORK PRODUCT. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.

**IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL
AT AS SOON AS POSSIBLE.**

Copy of rec (3/5/03)

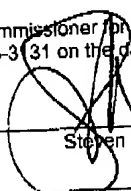
FULBRIGHT & JAWORSKI L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP
600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TEXAS 78701-3271
WWW.FULBRIGHT.COM

STEVEN LEE HIGHLANDER
PARTNER
SHIGHLANDER@FULBRIGHT.COM

DIRECT DIAL: (512) 536-3184
TELEPHONE: (512) 474-5201
FACSIMILE: (512) 536-4598

April 2, 2003

CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. § 1.8	
I hereby certify that this correspondence is being transmitted to: Commissioner for Patents, Washington, D.C. 20231, Attn: Examiner Scott Priebe, GAU 1632, facsimile number (703) 746-3131 on the date below:	
<u>April 2, 2003</u> Date	 Steven L. Highlander

BY FIRST CLASS MAIL

Scott Priebe, Examiner
Commissioner for Patents
Washington, D.C. 20231

Re: Serial Number 08/540,343 Entitled "METHODS AND COMPOSITIONS FOR
VIRAL ENHANCEMENT OF CELL KILLING" By Hallahan et al.
Our Ref. No. ARCD:194; Matter No. 10010530

Dear Mr. Priebe:

Enclosed you will find a copy of the Continued Prosecution Application (CPA) Request Transmittal and postcard filed on March 5, 2003. I am also enclosing the returned stamped postcard received by the United States Patent and Trademark Office date stamped March 5, 2003.

Please do not hesitate to call if you have any questions.

Very truly yours,


Steven L. Highlander

SLH/cpj

Encl.: as noted
25280884.1

AUSTIN • DALLAS • HONG KONG • HOUSTON • LONDON • LOS ANGELES • MINNEAPOLIS • MUNICH • NEW YORK • SAN ANTONIO • WASHINGTON DC

Received from <512 536 4598> at 4/2/03 2:01:07 PM [Eastern Standard Time]

E 119101600US

PTO/SB/29 (10-00)

Approved for use through 10/31/2002. OMB 0551-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CONTINUED PROSECUTION APPLICATION (CPA) **REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☐ DUPLICATE

Address to:

Assistant Commissioner for Patents
 Box CPA
 Washington, DC 20231

Attorney Docket No.
of Prior Application

08/540,343

First Named Inventor

Hallahan

Examiner Name

S. Priebe

Group Art Unit

1632

Express Mail Label No.

EV 119101600 US

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),
 (continued prosecution application (CPA)) of prior application number 08 / 540,343
 filed on 10/06/95, entitled Methods And Compositions For Viral Enhancement Of
Cell Killing.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to copies of, or information concerning, the prior application may be given similar access to copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations

(Page 1 of 2)

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

PTO/SB/28 (10-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (d))		30 -20* =	10	x \$ 18.00 =	\$ 180.00
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (f))		6 -3** =	3	x \$ 84.00 =	254.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ _____ =	
				BASIC FEE (37 CFR 1.16)	750.00
				Total of above Calculations =	1,184.00
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					592.00
				TOTAL =	592.00

* Reissue claims in excess of 20 and over original patent.
** Reissue independent claims over original patent.

6. ☒ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 50-1212/ARCD:194USC1.
- a. ☐ Fees required under 37 CFR 1.16.
- b. ☐ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.
8. ☒ A check in the amount of \$ 592.00 is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
11. ☐ New Attorney Docket Number, if desired _____
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☐ Other: _____

NOTE

The prior application's correspondence address will carry over to this CPA
UNLESS a new correspondence address is provided below.

14. NEW CORRESPONDENCE ADDRESS☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or ☐ New correspondence address below

Name				
Address				
City	State	Zip Code		
Country	Telephone	Fax		

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print (Type))

Steven L. Highlander, Esq.

Signature

Registration No. (Attorney/Agent)

37,642

Date

March 5, 2003

[Page 2 of 2]

Please indicate receipt of the below-identified paper:

Priority Date:

<input checked="" type="checkbox"/> New Application For:			
<input type="checkbox"/> Foreign priority already claimed	<input type="checkbox"/> CIP	<input type="checkbox"/> Divisional	CPA <input checked="" type="checkbox"/> MAILED MAR 05 2003
<input type="checkbox"/> Continuation	<input type="checkbox"/> CIP	<input type="checkbox"/> Drawings:	CPA <input checked="" type="checkbox"/> MAILED MAR 05 2003
<input type="checkbox"/> Specification:	Pages	<input type="checkbox"/> Drawings:	<input type="checkbox"/> Final Rejection
<input type="checkbox"/> Response to Office Action Dated:			
<input checked="" type="checkbox"/> Other: Continued Prosecution Application (CPA) Request Transmittal; \$592.00 Check and our return postcard for filing.			
<input type="checkbox"/> Assignment Enclosed	<input type="checkbox"/> Cert. of Timely Mailing	<input checked="" type="checkbox"/> Exp. Mail: EV 119101600 US	

IDENTIFICATION OF APPLICATION

Serial No.:	Unknown
Title:	Methods and Compositions for Viral Enhancement of Cell Killings
Applicant:	Hallahan et al.
Client:	UCTech
Mailed:	Filed: 03/05/03
Attorney:	SLH
F&J File No.:	ARCD:194USC1
Due Date:	

Please indicate receipt of the below-identified paper:

Priority Date:

<input checked="" type="checkbox"/> New Application For:			
<input type="checkbox"/> Foreign priority already claimed	<input type="checkbox"/> CIP	<input type="checkbox"/> Divisional	CPA <input checked="" type="checkbox"/>
<input type="checkbox"/> Continuation	<input type="checkbox"/> CIP	<input type="checkbox"/> Drawings:	CPA <input checked="" type="checkbox"/>
<input type="checkbox"/> Specification:	Pages	<input type="checkbox"/> Drawings:	<input type="checkbox"/> Final Rejection
<input type="checkbox"/> Response to Office Action Dated:			
<input checked="" type="checkbox"/> Other: Continued Prosecution Application (CPA) Request Transmittal; \$592.00 Check and our return postcard for filing.			
<input type="checkbox"/> Assignment Enclosed	<input type="checkbox"/> Cert. of Timely Mailing	<input checked="" type="checkbox"/> Exp. Mail: EV 119101600 US	

IDENTIFICATION OF APPLICATION

Serial No.:	Unknown
Title:	Methods and Compositions for Viral Enhancement of Cell Killings
Applicant:	Hallahan et al.
Client:	UCTech
Mailed:	Filed: 03/05/03
Attorney:	SLH
F&J File No.:	ARCD:194USC1
Due Date:	